

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF IOWA
DISTRICT

)	
)	
Plaintiff,)	CASE NO. _____
)	
vs.)	FINAL PRETRIAL ORDER
)	
)	
Defendant.)	

Pursuant to Fed. R. Civ. P. 16, a final pretrial conference was held in the above-captioned matter on

The following counsel, who will try the case, appeared at the conference:

1. For plaintiff(s):
Name(s)
Street Number, Street Name and/or Box Number
City, State and Zip Code
Phone Number (include area code)
Facsimile Number (include area code)

2. For defendant(s):
Name(s)
Street Number, Street Name and/or Box Number
City, State and Zip Code
Phone Number (include area code)
Facsimile Number (include area code)

Accordingly, **IT IS ORDERED:**

I. STIPULATION OF FACTS.

The parties agree that the following facts are true and undisputed:

- A.
- B.
- C.

[Note: The parties should set out in full all material facts to which there is no dispute. Special consideration should be given to such things, where relevant, as life and work expectancy, medical and hospital bills, funeral expenses, cause of death, lost wages, back pay, the economic value of fringe benefits and property damage. Parties should stipulate any undisputed fact even if the legal relevance of the stipulated fact is questioned by one or more party. In such instances, the stipulated fact should be followed by an identification of the objecting party and the objection (*i.e.* "Plaintiff objects to relevance.")]

II. EXHIBIT LIST:

The parties submit the following exhibits and have indicated their objections accordingly.¹

Plaintiff(s) Exhibits	Objections	Category A, B, C ²	Offered	Admit/Not Admitted (N) - (NA)
1. [describe exhibit]				
2. [describe exhibit]				
3. [describe exhibit]				

Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admit/Not Admitted (N) - (NA)
A. [describe exhibit]				
B. [describe exhibit]				
C. [describe exhibit]				

[Note: Any exhibits not properly listed in the Proposed Order on Final Pretrial Conference will be subject to exclusion at trial and any objection not indicated will be deemed waived unless this order is modified prior to trial to prevent manifest injustice. All exhibits shall be made available to opposing counsel for inspection sufficiently prior to the Final Pretrial Conference to permit objections to be noted in the proposed order. Failure to provide exhibits for inspection shall constitute a valid ground for objection at trial and should be noted in the proposed order.]

¹ In the event the parties are unable to reproduce an exhibit list in conformity with the proposed exhibit list set forth above, they may seek permission from the court to utilize an alternate exhibit list or they may obtain an exhibit list in the form set forth in this proposed order from the clerk's office.

² A: The parties agree that these exhibits shall be considered to be already in evidence at the trial without further offer, proof, or objection. Specifically, the parties agree that both plaintiff(s) and defendant(s) exhibits listed in this column are in evidence at the commencement of the trial and available for use by any party at any stage of the trial.

B: Parties want to introduce into evidence these exhibits to which all foundation, identification and authenticity objections are waived but not to which an opposing party objects on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that party establishes that the exhibit is otherwise admissible.

C: Parties want to introduce into evidence these exhibits to which an opposing party will object on the grounds noted. It is further agreed that any exhibit listed in this column may be used by any other party provided that party establishes the exhibit is otherwise admissible.

III. WITNESS LIST:

- A. Plaintiff(s) Witnesses (list witnesses, addresses and substance of testimony):
 - 1.
 - 2.
- B. Defendant(s) Witnesses (list witnesses, addresses and substance of testimony):
 - 1.
 - 2.
- C. A party listing a witness guarantees his/her presence at trial unless the court and opposing counsel are notified to the contrary at least seven (7) days prior to trial. All parties are free to call any witness listed by the opposing party whether they have listed them or not.
- D. A witness testifying by deposition must be listed with a designation that the testimony will be by deposition.

IV. FACTUAL ISSUES:

- A. Plaintiff(s) Factual Issues:
 - 1.
 - 2.
- B. Defendant(s) Factual Issues:
 - 1.
 - 2.

V. LEGAL ISSUES:

- A. Plaintiff(s) Legal Issues:
 - 1.
 - 2.
- B. Defendant(s) Legal Issues:
 - 1.
 - 2.

[Note: Each party should set forth all theories of recovery or defense, including specifications of fault which will be raised at trial. The elements of each theory of recovery and the elements of damages sought must be included.]

The parties should also set forth any legal questions which are likely to arise at trial. This should include such things as:

- A legal dispute as to the elements of plaintiff's cause of action or whether recovery is barred as a matter of law by a particular defense;
- Whether, as a matter of law, a particular defense would apply;
- Any legal dispute as to the measure, elements, or recovery of damage claimed by plaintiff; and
- Whether the Statute of Frauds or the Parol Evidence Rule will be raised; etc.]

VI. UNUSUAL EVIDENTIARY QUESTIONS:

A. Plaintiff(s) Unusual Evidentiary Questions:

- 1.
- 2.

B. Defendant(s) Unusual Evidentiary Questions:

- 1.
- 2.

[Note: Identification of unusual evidentiary questions should also include citations to relevant legal authorities.]

Plaintiff(s) Exhibits	Objections	Category A, B, C	Offered	Admit/Not Admitted (N) - (NA)
1.				
2.				
3.				
4.				
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25.				
26.				

Defendant(s) Exhibits	Objections	Category A, B, C	Offered	Admit/Not Admitted (N) - (NA)
A.				
B.				
C.				
D.				
E.				
F.				
G.				
H.				
I.				
J.				
K.				
L.				
M.				
N.				
O.				
P.				
Q.				
R.				
S.				
T.				
U.				
V.				
W.				
X.				
Y.				
Z.				

[illegible]